

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
vs.)	No. 08 CR 38
)	
ANTHONY QUIRIN,)	HON. RUBEN CASTILLO,
)	JUDGE PRESIDING.
DEFENDANT.)	

**DEFENDANT'S MOTION TO PRESERVE
HANDWRITING NOTES OF GOVERNMENT AGENTS**

NOW COMES THE DEFENDANT, ANTHONY QUIRIN, by and through his attorney, WILLIAM K. HEDRICK, and hereby requests this Honorable Court to order the Government to preserve all notes taken by government agents during interviews of any witnesses the government intends to call in the above-captioned matter.

Pursuant to the Jencks Act, 18 U.S.C. Sec. 3500 (1982), the government must produce "any statement of the witness in the possession of the United States which relates to the subject matter as to which the witness has testified", Jencks Act material is not limited to typewritten summaries of witness statements. It is clear from the case law that notes of a witness interview may constitute Jencks Act material, and the decision whether such notes must be produced is for the Court, not the government. (See e.g., United States v. Wables, 731 F 2d 440, 443, 445 (7th Cir. 1984). Furthermore, such notes may also be discoverable pursuant to Brady v. Maryland, 373 U.S. 83 (1963).

Given the possibility that handwritten notes made by agents during their interviews of witnesses may qualify as being discoverable under the Jencks Act or Brady v. Maryland, the

Defendant moves at this time for an order of the Court to the government that they shall preserve all notes taken by agents during interviews of witnesses. This order should include the preservation of any notes that are taken between the date of the order and the time of the trial.

Respectfully Submitted,

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Prepared by:

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